

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

[1] ACE AMERICAN INSURANCE)	
COMPANY, as subrogee of Paul)	
Jackson,)	
)	
Plaintiff,)	Case No.: 24-CV-63-SH
)	
vs.)	
)	
[2] HI-LIFT MARINA,)	
)	
Defendant.)	

JOINT STATUS REPORT

Jury Demanded: Yes

I. Summary of Claims: This is a subrogation action, filed by Ace American Insurance Company, as subrogee of Paul Jackson. Mr. Jackson owned a 2007 Sea Ray 37 Sedan Bridge Watercraft that was kept in a slip at Defendant's dock in Eucha, Oklahoma. Ace American insured Mr. Jackson's boat. On or about July 5, 2022, Defendant notified Mr. Jackson that his boat had sunk in its slip. Ace American paid Mr. Jackson for the loss of his boat, and alleges that the boat sank due to the negligence of Defendant.

A. Claims to be Dismissed: None.

II. Summary of Defenses: Defendant, Hi-Lift Marina, denies it or any of its employees or agents caused or contributed to the sinking of Plaintiff's insured's boat. Defendant contends that the boat sank as a result of negligent acts of third parties over whom defendant does not control.

A. Defenses to be Abandoned: None.

III. Motions Pending (Include Docket Number, Description and Date at Issue): **None**

IV. Stipulations:

A. Jurisdiction Admitted: Yes

B. Venue Appropriate: Yes

C. Facts: None at this time.

D. Law: None at this time.

V. Proposed Deadlines:

A. Parties to be Added by: September 15, 2024

B. Proposed Discovery Cutoff Date (4 Months of Discovery Unless Extended by the Court for Good Cause): March 28, 2025.

a. The parties are requesting nine months to complete discovery. There is another related lawsuit pending in the District Court of Delaware County, Paul and Melissa Jackson v. Hi-Lift Marina, LLC, CJ-2023-222. Discovery will need to be coordinated between the two cases, which will take additional time. Also, lead defense counsel has a first up jury trial setting in Oklahoma County scheduled for October 7th, 2024. That case is anticipated to take more than 5 trial days and will require significant preparation.

C. Fact Witness Lists to be Exchanged by: March 7, 2025.

D. Proposed Date for Expert Reports by Plaintiff and Defendant:

a. Plaintiff's Expert Reports due by February 7, 2025.

b. Defendant's Expert Reports due by February 21, 2025.

VI. Fed. R. Civ. P. 26(f) Discovery Plan

A. Should any changes be made to the timing, form or requirements for disclosures under Rule 26(a)?

No

B. When were or will initial disclosures under Rule 26(a)(1) be made? Disclosures will be made within ten days of this report.

Note that pursuant to Rule 26(a)(1), initial disclosures must be made within 14 days after you confer for the purpose of preparing this discovery plan. All parties are under an affirmative duty to (i) comply with the mandatory disclosure requirements, and (ii) notify the Court of any non-disclosure so that the issue can be promptly referred to a magistrate judge for resolution. Failure of any party to disclose information or failure of any party to bring disclosure issues to the Court's attention in a timely manner may result in sanctions, including prohibiting the use of that information at trial pursuant to Rule 37(c)(1).

C. Should discovery be conducted in phases and/or should discovery be limited at this time to particular subject matters or issues? No

D. Should any changes be made in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the Local Civil Rules?

No

E. Proposed Number of Fact and Expert Depositions:

1. To be allowed for Plaintiff? 6

2. To be allowed for Defendant? 6

F. Is there a need for any special discovery management order(s) by the Court?

No

G. The parties are directed to Guidelines for Discovery of Electronically Stored Information on the public website at www.oknd.uscourts.gov for advice on the production of electronic information.

VII. Anticipated Dispositive Motions?

Yes (If yes, describe.) Both parties anticipate filing Motion for Summary Judgment on Liability.

No

VIII. Do all parties consent to trial before the assigned magistrate judge? No

If yes, please email a proposed Consent to Magistrate for Trial (AO-085) to the Clerk via the designated mailbox at CM-ECFIntake_OKND@oknd.uscourts.gov and indicate the month and year in which trial by the magistrate judge is requested. Please do not file proposed documents as an attachment to a document. (Refer to Section XIV of the CM/ECF Administrative Guide of Policies and Procedures for further instruction regarding proposed documents.)

IX. Is there any matter that should be referred to the assigned magistrate judge for final disposition upon partial consent of all the parties pursuant to Local Rule 73.1? No

If yes, please email a completed, proposed Consent to Magistrate Disposition Motion (AO 085A) to the Clerk via the designated mailbox at CM-ECFIntake_OKND@oknd.uscourts.gov. Please do not file proposed documents as an attachment to a document. (Refer to Section XIV of the CM/ECF Administrative Guide of Policies and Procedures for further instruction regarding proposed documents.)

X. Settlement Plan (Check one):

Settlement Conference Requested After: Discovery is Complete
Describe Settlement Judge Expertise Required, If Any: None

Private Mediation Scheduled On:

Other ADR (Explain):

ADR Appropriate:

Yes: after discovery is complete

No (If no, explain.)

Copy of the Court's ADR Booklet Provided to Clients as Required?

Plaintiffs: Yes

Defendants: Yes

XI. Does this case warrant special case management?

No

XII. Do the parties request that the Court hold a scheduling conference? No

If a conference is not requested or ordered by the Court, the Court will, after receiving this report, issue a scheduling order based on the information contained in this report.

XIII. Estimated Trial Time: 4 days

/s/ Chad M. Neuens

Chad M. Neuens, OBA No. 15402

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